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January 6, 2023

BY ECF

The Honorable Louis L. Stanton
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Frontier Airlines v. AMCK Aviation, et al.*, Case No. 1:20-cv-09713-LLS

Dear Judge Stanton:

Pursuant to the Court's December 13, 2022, Order on Plaintiff Frontier Airlines' (Frontier) request to seal certain documents, (*see* Dkt. 118, 111), Frontier requests that the Court seal updated redacted versions of Exhibits 1, 2, 4, 5, 7, 9–12, 53, 59, and 60 of the Hosenpud Declaration (Dkt. 110, 116), Exhibit 1 of the Dempsey Declaration (Dkt. 108, 114), and Exhibits 1–5 of the Bindu Declaration (Dkt. 109, 115). The updated exhibits are attached to this letter response—publicly with redactions, and under seal without redactions.

Frontier's updated redactions are limited to portions of the exhibits that reveal aircraft pricing, Frontier's long-term fleet plans, contract terms and negotiations that could place Frontier at a competitive disadvantage if competitor airlines or other aircraft lessors obtained the information, as well as confidential contact information. Further, many of the redactions are to contract sections that are not material to Frontier's claims. For example, Frontier redacted portions of Exhibit 1 of the Bindu Declaration and Exhibit 10 of the Hosenpud Declaration that relate to general tax indemnities, which is not at issue. *See* Bindu Decl., Ex. 1 § 19.2; Hosenpud Decl., Ex. 10 § 19.2.¹ As the Court explained in its Order, sealing this confidential

¹ Of note, Exhibits 1, 4, and 5 of the Hosenpud Declaration contain redactions that predate Frontier's December 9, 2022, filings with the Court. These sections are distinguished because there are no corresponding highlighted portions in the under-seal version of these exhibits that Frontier is presently filing. These redactions were done in the course of discovery, according to pre-existing confidentiality agreements between Frontier and non-party Airbus. These sections reveal aircraft pricing, Frontier's long-term fleet plans, and contract terms that could place Frontier at a competitive disadvantage if competitor airlines, other aircraft lessors, or

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and sensitive business information is appropriate because, if it were publicly revealed, Frontier could suffer serious injury, mainly in the forms of competitive harm and disadvantages.

Accordingly, there exists good cause and compelling reasons to seal the updated, narrowly-tailored, redacted versions of Exhibits 1, 2, 4, 5, 7, 9–12, 53, 59, and 60 of the Hosenpud Declaration, Exhibit 1 of the Dempsey Declaration, and Exhibits 1–5 of the Bindu Declaration.

Respectfully submitted,

LANE POWELL PC

s/David G. Hosenpud

David G. Hosenpud

Attachments: Exhibits 1, 2, 4, 5, 7, 9–12, 53, 59, and 60 of the Hosenpud Declaration, Exhibit 1 of the Dempsey Declaration, and Exhibits 1–5 of the Bindu Declaration

cc: Counsel of Record (via ECF)

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manufacturers obtained the information. Moreover, these previously redacted sections are not material to Frontier's claims.